

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 01/04/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
	:	<u>ORDER</u>
PAUL CUELLO, RICARDO RICUARTE,	:	
DIEGO MATEO, MARK WOODS, WILLIAM	:	
GONZALEZ, JUPANKY PIMENTEL,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS the cases against Defendants Paul Cuello, Ricardo Ricuarte, Diego Mateo, Mark Woods, William Gonzalez, and Jupanky Pimentel are trial ready or close to trial ready;

WHEREAS on November 15, 2021, the Court ordered Paul Cuello and Ricardo Ricuarte to file requests to charge and proposed *voir dire* questions by no later than December 29, 2021, Dkt. 637;

WHEREAS on December 29, 2021, the Government and Paul Cuello filed requests to charge and proposed *voir dire* questions, but Ricardo Ricuarte did not, Dkts. 672–675;

WHEREAS a status conference with Defendants Mark Woods, William Gonzalez, and Jupanky Pimentel is currently scheduled for Thursday, January 13, 2022 at 10:30 A.M., Dkt. 667;

WHEREAS William Gonzalez reports problems accessing discovery and associated with lockdowns at Essex County Correctional Facility, Dkt. 677;

WHEREAS on December 22, 2021, Diego Mateo filed a pre-trial motion, Dkt. 668, and the Government's response is due January 28, 2022 and Mr. Mateo's reply is due February 11, 2022, Dkt. 644;

WHEREAS the Southern District of New York has reconfigured courtrooms and other spaces in its courthouses to allow jury trials in criminal cases to proceed as safely as possible during the COVID-19 pandemic;

WHEREAS under the centralized calendaring system currently in place, the Clerk's Office schedules all criminal jury trials for the Southern District of New York; and

WHEREAS a trial in this matter for a maximum of three Defendants has been scheduled to commence on Tuesday, March 29, 2022.

IT IS HEREBY ORDERED that by no later than **Friday, January 14, 2022**, the Government must file a proposed list of the six Defendants that are the subject of this Order in order of their priority for trial. The first three Defendants on the list who have not reached dispositions of their cases by the trial date will proceed to trial. For example, if the second listed Defendant reaches a disposition, but none of the other Defendants do, then the first, third, and fourth listed Defendants will proceed to trial on **Tuesday, March 29, 2022**. All six Defendants should be ready to proceed to trial on **Tuesday, March 29, 2022**. Any response by the Defendants to the Government's proposed list is due no later than **Friday, January 21, 2022**. The Court encourages Defendants to file a joint response, including any proposed revisions to the list and noting whether the Government consents to those proposed revisions.

IT IS FURTHER ORDERED that a final pretrial conference for the three Defendants going to trial is scheduled for **Thursday, March 17, 2022 at 2:30 P.M.** The final pre-trial conference will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

IT IS FURTHER ORDERED that Ricardo Ricuarte's deadline to file requests to charge and proposed *voir dire* questions is *sua sponte* extended, *nunc pro tunc*, to **Wednesday, January 12, 2022**. If Mr. Ricuarte does not file a submission by the deadline, the Court will

treat Mr. Ricuarte's failure to file as a waiver of his right to propose requests to charge and *voir dire* questions.

IT IS FURTHER ORDERED that with respect to Defendants Diego Mateo, William Gonzalez, Mark Woods, and Jupanky Pimentel, any motions *in limine* are due no later than **Friday, January 21, 2022**. Any responses in opposition are due no later than **Friday, February 4, 2022**. Requests to charge and proposed *voir dire* questions are due no later than **Friday, February 18, 2022**.

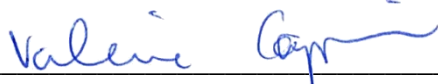
IT IS HEREBY ORDERED that the status conference with Defendants William Gonzalez, Mark Woods, and Jupanky Pimentel, currently scheduled for Thursday, January 13, 2022 at 10:30 A.M., is adjourned to **Thursday, January 27, 2022 at 11:00 A.M.** By no later than **Monday, January 24, 2022**, the parties must file a joint letter updating the Court on the status of the case, including whether the parties believe the January 27, 2022 conference is necessary. If the conference remains on the calendar, it will be held in person in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

IT IS FURTHER ORDERED that by no later than **Thursday, January 13, 2022**, William Gonzalez must clarify what, if any, relief he is seeking from the Court with respect to discovery access issues and other lockdown measures in place at Essex County Correctional Facility.

IT IS FURTHER ORDERED that given the pending pre-trial motion (Dkt. 668), the speedy trial clock is not running. *See* 18 U.S.C. § 3161(h)(1)(D).

SO ORDERED.

Dated: January 4, 2022
New York, NY


VALERIE CAPRONI
United States District Judge